

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS ALVAREZ CHICAS, ALONSO
VILLATORO, MISAEL ALEXANDER MARTINEZ
CASTRO, ANGEL MARTINEZ, EDWIN ULLOA
MOREIRA and MATEO UMANA individually and on
behalf of all others similarly situated,

Plaintiffs,

-against-

KELCO CONSTRUCTION, INC., KELCO
LANDSCAPING, INC., E.L.M. GENERAL
CONSTRUCTION CORP. D/B/A KELLY'S CREW,
JOHN KELLY and JOSEPH PROVENZANO,

Defendants.

Case No. 1:21-CV-09014
(PAE)(SDA)

**DECLARATION OF JUAN HERNANDEZ IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR
CONDITIONAL CERTIFICATION PURSUANT TO 29 U.S.C. § 216(b)**

I, Juan Hernandez, pursuant to 28 U.S. C. § 1746, declare as follows:

1. I submit this declaration in support of Defendants' Opposition to Plaintiffs' Motion for Conditional Certification pursuant to 29 U.S.C. § 216(b). I am personally familiar with the facts set forth below and submit this declaration based on my personal knowledge.
2. I currently work for Kelco Construction as a driver. I have been working for Kelco Construction since approximately 2008.
3. My duties as a driver are to pick up materials, equipment, and machines from one place to another. I drive trailers, dump trucks, and roll-off trucks, which require me to have a commercial driver's license.
4. I am a union member of Local 282 Teamsters.
5. I arrived at the 25 Newton Place, Hauppauge, New York ("Hauppauge facility") at

various times in the morning to pick up the company vehicle. On some days, I arrived at the facility by 3:30 a.m. but generally report at 4:30 a.m. I do not report to a park-and-ride location, and I did not give rides to any other workers.

6. I drove to work at various locations, such as New Jersey, Pennsylvania, and Connecticut.

7. I am paid an hourly wage of \$35.00. The union pays me at \$46.00 per hour.

8. On a normal basis, there were three (3) other similarly situated drivers like me.

9. My primary language is Spanish. On January 24, 2023, Luis Lopez, CCI verbally translated this declaration to me in Spanish. I fully understand the contents of this declaration in my primary language.

10. This declaration was prepared by counsel for Defendants in the action based on an interview in which I voluntarily participated. I was advised that I could end the interview at any time. I have also been told by counsel for the Defendants that I should sign this declaration if I want to and if everything within it is true and correct to the best of my knowledge, information, and belief. I have been given a full opportunity to review this declaration carefully and freely and make any corrections and additions of any kind.

[SPACE LEFT INTENTIONALLY BLANK]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: January 24, 2023


Juan Hernandez